

**ORDINANCE #08-05-481**

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF  
FREDERICK COUNTY, MARYLAND TO AMEND AND REVISE §1-19-290 OF  
THE COUNTY'S ZONING ORDINANCE TO INCREASE THE MINIMUM LOT  
SIZE IN THE RESOURCE CONSERVATION DISTRICT FROM FIVE (5)  
ACRES TO TEN (10) ACRES

**§1. Definitions.** - In this Ordinance, the following terms shall have the meanings indicated:

"BOCC" shall mean the Board of County Commissioners of Frederick County, Maryland.

"Code" shall mean the Frederick County Code, 2004.

"Planning Commission" shall mean the Frederick County Planning Commission created by §1-13-16 of the Code.

"RC" shall mean the Resource Conservation Zoning District as described in §§1-19-238 & 302 of the Zoning Ordinance.

"Zoning Administrator" shall have the meaning set forth in §1-19-4(B).

"Zoning Ordinance" shall mean the Frederick County Zoning Ordinance, codified as Chapter 1-19 of the Code.

**§2. Background.** - Section 1-19-290 of the Zoning Ordinance provides for a minimum lot area of five (5) acres in the RC District. The BOCC desires to initiate an amendment to §1-19-290 to increase the minimum lot area in the RC District from five (5) acres to ten (10) acres.

### **§3. Procedural Requirements.**

(a) The BOCC initiated this Ordinance on July 12, 2007 by approving and adopting Resolution #07- 38.

(b) Pursuant to Zoning Ordinance §1-19-62(A), the Zoning Administrator referred this Ordinance to the Planning Commission for a recommendation to the BOCC.

(c) Pursuant to §1-19-62(B), the Planning Commission held an advertised public hearing on this Ordinance on September 19, 2007.

(d) Pursuant to §1-19-64(A), the BOCC held an advertised public hearing on this Ordinance on January 15, 2008.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOCC THAT:

### **§4. Amendment & Revision of §1-19-290 of the Zoning Ordinance.**

Section 1-19-290 of the Zoning Ordinance is amended & revised to read as follows<sup>1</sup>

<i>Use Classification</i>	<i>Minimum Lot Area*</i>	Minimum Lot Area per Unit	Lot Width*	Front Yard*	Side Yard*	Rear Yard*	Height
<b><i>Resource Conservation District RC</i></b>							
Natural resources	[§] <u>10</u> acres	—	300	50	50	50	30'
Residential*	[§] <u>10</u> acres	[§] <u>10</u> acres	300	50	50	50	30'
Single family	[§] <u>10</u> acres	[§] <u>10</u> acres	300	50	50	50	30'
Mobile home.							
Animal care and service	[§] <u>10</u> acres	—	300	50	50	50	30'
Open space uses	[§] <u>10</u> acres	—	300	50	50	50	30'
Institutional	[§] <u>10</u> acres	—	300	50	50	50	30'
Governmental and public utility	[§] <u>10</u> acres	—	300	50	50	50	30'

The rest of §1-19-290 remains unchanged.

<sup>1</sup> Text [within brackets and stricken through] represents matter deleted from the existing Ordinance. Underlined text represents matter added to the existing Ordinance.

**§5. Effective Date.** - This Ordinance shall be effective on the 15<sup>th</sup> day of February, 2008.

**§6. Transition Provision.**

The Ordinance shall apply to applications for subdivision or resubdivision filed on or after the effective date.

**§7. Nonconforming Lots.**

See §1-19-117 of the Zoning Ordinance for the effect this Ordinance will have on existing lots in the RC District that are at least five (5) acres in size but less than ten (10) acres in size.


The undersigned hereby certifies that the Board of County Commissioners of Frederick County, Maryland approved and adopted the foregoing Ordinance on the 5<sup>th</sup> day of February, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

By:

  
\_\_\_\_\_  
Ronald A. Hart,  
County Manager

  
\_\_\_\_\_  
Jan H. Gardner, President

*MSC 2/25/08*